

Article 13 | Additional Requirements for Subdivisions

Sec. 13.1 Subdivisions

13.1.1 Preservation of Significant Features

Subdivision design shall be sensitive to the protection and preservation of existing site features, natural and man-made. To the maximum extent possible, subdivisions shall be designed, ~~using Unique Planned Development concepts,~~ to preserve structures and sites of historic or cultural significance, small family cemeteries, and to protect habitats of rare or unusual plants or wildlife as documented in the established Durham Inventory, the State Natural Heritage Listing, or the National Register of Historic Places.

~~Every effort shall be made to minimize grading and removal of tree cover and to preserve vegetative strips along water courses. Where existing trees are shown to be preserved on a preliminary plat, protection measures shall be located so that they either maintain a 6-foot minimum radius or provide a 1-foot radius for each 1 inch of trunk diameter (measured at a point 4.5 feet above ground), whichever is greater, around trees to be saved.~~

~~Land Suitability~~

~~Unique Planned Development concepts, including Clustering should be used for portions of tracts which are subject to flooding, wetlands, steep slopes (over 20 percent), excessive erosion, rock outcrops, or other adverse site conditions. Proposed building sites shall only be permitted within floodway fringe areas as allowed by the flood hazard regulations section of the zoning ordinance. Base flood elevation data shall be provided for all subdivision proposals for which it is applicable. Soils evaluation by qualified soil scientists, early in the subdivision process, is recommended where the use of individual, on-site wastewater disposal systems is anticipated.~~

~~Neighborhood Compatibility~~

~~New subdivisions shall be planned to complement or enhance the character of the neighboring areas.~~

13.1.2 Consistency with Public Plans and Policies

Subdivision of land shall be consistent with adopted public plans and policies for the area in which it is located. This includes general policy regarding development objectives for the area as reflected in ~~both the Comprehensive Plan, and small-area plans~~ as well as specific policy or plans for public facilities such as streets and thoroughfares, parks and open space, schools, and other similar facilities.

13.1.3 Naming of Subdivisions

The name of a subdivision shall not duplicate nor closely approximate the name of an existing subdivision within the City or County ~~of Durham~~.

13.1.4 Block Width

Blocks shall have sufficient width to provide for two tiers of lots, except where single tier lots are required to separate residential development from arterial traffic, to separate lots from an incompatible use, to accommodate a requirement for single-loaded streets, to allow for unusual topographic conditions or when adjacent to the outer perimeter of the subdivision.

13.1.5 Lot Standards

A. Side Lot Lines

Side lot lines shall intersect rights-of-way between 60 and 90 degrees on a straight street, or from the tangent of a curved street.

B. Double Frontage

- 1. Residential lots that have frontage on two non-intersecting local or collector streets shall be accessed from one street only.**
- 2. Residential lots adjacent to major or minor thoroughfare may be required to be accessed from a local street. Vehicular access to such lots shall be from the local street only.**
- 3. Nonresidential lots with double frontage shall have off-set access points to inhibit cut-through traffic.**

C. Existing Structures

The subdivision or resubdivision of a tract or lot shall not be permitted to cause an existing structure proposed for preservation to violate the standards of this Ordinance.

D. Lot Numbering

All lots shall be numbered consecutively within each block. Lot numbering may be cumulative throughout the subdivision if the numbering continues from block to block in a uniform manner approved by the Planning Director, or designee. Any lots being resubdivided shall be consecutively numbered beginning with the last available number in the existing block or subdivision.

13.1.6 Ownership Alternatives

- ~~Subdivisions utilizing unique development patterns and ownership alternatives shall not receive final plat approval until the subdivider applicant furnishes an attorney's certification that proper legal provisions have been made for the following, as applicable:~~

- 1. Establishment of property owners association;**
- 2. Declaration of covenants and restrictions for common areas;**
- 3. Declaration of unit-ownership development; and**
- 4. Provisions for perpetual ownership and maintenance of commonly-owned streets, utilities, other improvements, and lands.**

- B. All final plats containing private streets and roads shall contain a note requiring a disclosure statement to be furnished to all subsequent purchasers of property shown on the plat.**

13.1.7 Alternative Standards

- A. ~~In addition,~~ Planned developments utilizing alternative design standards may be approved by the Planning Director, or designee, subject to the submittal of site plan documents demonstrating that ~~equivalent or superior~~ provisions have been made for open space, building siting, vehicular parking and circulation, buffering and landscaping, pedestrian and bicycle circulation, recreation, solid waste handling, and areas of common ownership and maintenance, superior to what could be achieved through reliance on the provisions of this Ordinance.

~~Where unique planned developments and ownership alternatives for both residential and nonresidential properties shall be permitted by zoning regulations, including but not limited to planned unit developments, planned density residential, townhouses, condominiums, and zero lot line properties, applicable design standards of both the zoning ordinance and this ordinance shall be followed.~~

